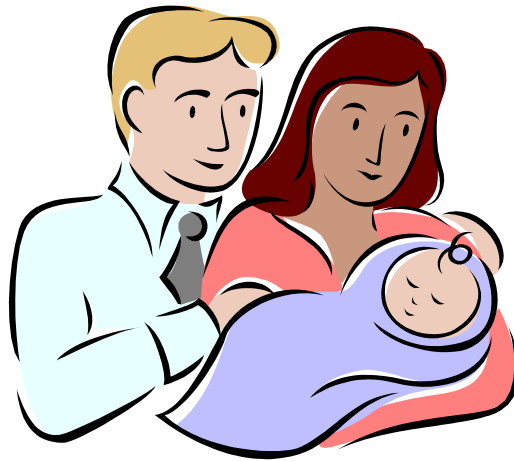


# *Reports of Child Abuse or Neglect*

## *A Handbook for Parents*



*Nebraska Health and Human Services System*

*Protection and Safety*

*August, 2005*

List your important contacts here

Name

**Agency****Phone Number**This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## Table of Contents

About This Handbook.....	page 4
What Is Child Abuse/Neglect.....	page 4
How Did CPS Hear About Me?.....	page 4
What Is Child Abuse/Neglect?.....	page 4
What Happens During A Child Abuse/Neglect Assessment/Investigation?.....	page 5
What Is The Child Abuse/Neglect Register?.....	page 6
What are my Rights?.....	page 6
Is Your Child Of Native American Descent?.....	page 7
What Happens If My Child is placed in Protective Custody?.....	page 7
What Is a Protective Custody Hearing?.....	page 7
Can My Child Stay In My Home If I've Been Reported?.....	page 8
If My Child Is Removed From My Home, How Do I Get My Child Back?.....	page 8
What Can I Do If I Disagree With The Recommendations And/Or Decisions. of the Protection and Safety Worker?.....	page 9
Definitions.....	page 10

## ***About This Handbook***

This handbook was written with the help of parents who have been involved with the State's "Child Protective Services" (also often referred to as "Child Welfare" or "Protection and Safety"). Those parents know that it is very stressful for a parent when there is a complaint that they have abused or neglected their child. It is important for parents to understand what to expect when there has been a complaint of abuse or neglect and what their rights are. It is our hope that this handbook will be helpful.

### ***What Is Child Protective Services?***

Child Protective Services, also referred to as CPS, is the area of the Department of Health and Human Services-Protection and Safety that has the responsibility, by law, to accept reports of allegations (complaints) about child abuse or neglect, to assess (or investigate) those allegations and to share any complaints received with law enforcement. Child Protective Services provides a wide range of services to ensure the health, safety and well being of children. The goal of CPS is to make sure that children, who are reported as being abused or neglected, are safe.

### ***How Did Child Protective Services Hear About Me?***

Child Protective Services (CPS), which is a part of the Nebraska Health and Human Services System, received a report from someone that indicated that your child was not being cared for or was being abused. Nebraska State law requires that when any person has reason to believe that a child has been or is being abused or neglected, a report is made to CPS or the law enforcement. If individuals fail to make a report, they are violating the law. The identity of the person who made the report is confidential and can not be released by the Protection and Safety Worker (PSW). State law also requires that all reports that meet the definition of abuse and neglect are assessed (investigated) by CPS.

### ***What Is Child Abuse and Neglect?***

Nebraska law defines abuse and neglect as:

"Knowingly, intentionally, or negligently causing or permitting a minor child to be: (a) placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) Deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle if such minor child is six years of age or younger; (e) sexually abused; or (f) sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions."

There are several types of abuse or neglect of a child:

**Physical Abuse:** the existence of an injury that is unexplained, not consistent with the explanation given, or is non-accidental, or poses substantial risk of bodily injury.

**Physical Neglect:** the failure of the parent to provide basic needs or a safe and sanitary living environment for the child.

**Sexual Abuse:** any sexually oriented act, practice, contact, or interaction in which the child is or has been used for the sexual stimulation of a parent, the child, or other person.

**Emotional Abuse:** psychopathological or disturbed behavior in a child which is documented by a psychiatrist, psychologist, or licensed mental health practitioner to be the result of continual scapegoating (blaming or targeting a child), rejection, or exposure to violence by the child's parent or caretaker.

**Emotional Neglect:** the child is suffering or has suffered severe negative emotional effects due to a parent's failure to provide opportunities for normal experiences that produce feelings of being loved, wanted, secure, and worthy. Lack of such opportunities may impair the child's ability to form healthy relationships with others.

**Medical Neglect of a Handicapped Infant:** the withholding of medically indicated treatment (including appropriate nutrition, hydration, and medication) from disabled infants with life threatening conditions. Exceptions include those situations in which:

1. The infant is chronically and irreversibly comatose;
2. The provision of this treatment would merely prolong dying or not be effective in ameliorating or correcting all the life threatening conditions; or
3. The provision of the treatment and the treatment itself under these conditions would be inhumane.

### ***What Happens During An Assessment/Investigation?***

A Protection and Safety Worker (PSW) conducts the assessment (investigation). There may also be an investigation by law enforcement if it is believed that the abuse or neglect involves a crime.

The PSW will attempt to gather information through interviews with you, your child, the person that made the report and others who may have knowledge about you, your family and the alleged abuse or neglect.

<p>The PSW and/or law enforcement can interview a child concerning any possible abuse or neglect without the agreement of the parent or guardian and without them being present.</p>
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Based upon the information that is gathered, the PSW will determine if the allegations are true and if further involvement is necessary. There are three possible outcomes:

- 1) "Court Substantiated", means that a District, County or separate Juvenile Court has entered a judgement of guilty on a criminal complaint, indictment, or information, or an adjudication of jurisdiction on a juvenile petition under Section 43-247 (3) (a), and the judgement or adjudication related or pertains to the same subject matter as the report of abuse or neglect. In this situation, the report will be placed on the Child Abuse Central Register (see page 7)
- 2) "Inconclusive" means that the evidence indicates that more likely than not (preponderance; at least 51%) that child abuse or neglect occurred and court adjudication does not occur. Again, the report will be placed on the Child Abuse Central Register (see page 7).
- 3) "Unfounded" means that the evidence does not support that the incident occurred. The report will NOT be placed on the Central Register.

If the child is believed to be in immediate danger, the child is placed in protective custody.

Only law enforcement officers or a Judge have the authority to remove a child from his or her home. When children are removed, law enforcement and the Judge most often place the children in the custody of Health and Human Services.

If there is no immediate need for removal, the PSW may offer in-home services that will address the needs of your family so that your child can remain in your home.

We know that it is extremely difficult on a child and his or her parents when a child has to be removed from the home. If your child is placed in Protective Custody, we would like to place them in the home of a relative or someone your child knows. Please let the law enforcement officer or the PSW know if there is a family you would want to take care of your child.

### ***What Is The Child Abuse Central Register?***

The Central Register is a computerized listing of the reports of individuals who have been determined to have abused or neglected children (Court Substantiated or Inconclusive). The Central Register is maintained by the Nebraska Health and Human Services System. The Central Register is used by employers of certain occupations to request child abuse information on potential employees.

### ***What Are My Rights?***

- You have the right to be informed of the allegation/complaint made against you. State law does not allow the Protection and Safety Worker (PSW) to tell anyone who made the allegation/complaint.

- You have the right to be interviewed and give your information and documentation about the allegation/complaint.
- You have the right to deny access to your home unless the Protection and Safety Worker has a court order indicating they may enter. If there is reason to believe that your child is in danger and you deny access to your home and your child, law enforcement may be able to enter your home and check on your child.
- You have constitutional rights throughout the assessment/investigation. This means that the PSW and all others involved (like law enforcement or the courts) must follow the correct procedures when assessing/investigating the allegation/complaint.
- You have the right to receive the letter “Notice to Alleged Perpetrator” that formally tells you what the Department’s conclusion is after the assessment (investigation) is over.
- You have the right to appeal a decision to place your name on the Central Register if you disagree with the Department’s conclusion. The steps to initiate this process are described in the “Notice to Alleged Perpetrator”. This process is referred to as an “Expungement” request from the Central Register.
- You have a right to an attorney to represent you at any point in the assessment (investigation) or during the expungement process. This would be a cost you would be responsible for. If you can not afford an attorney, you can contact Legal Aid or the Nebraska Volunteer Lawyers Project. You can also ask the Court to appoint an attorney for you.

### ***Is Your Child Of Native American Indian Descent?***

If your child has any Native American heritage, the Indian Child Welfare Act (ICWA) may apply. The Indian Child Welfare Act (ICWA) provides additional rights and protections for Indian children. Tell your worker immediately if your child is Native American.

### ***What Happens If My Child is Placed In Protective Custody?***

A law enforcement officer can place a child in emergency protective custody if he or she believes that immediate action is necessary to protect the child from abuse or neglect. If a child is taken into protective custody, the child is placed in a temporary placement such as a foster home or an emergency shelter.

According to state law, emergency protective custody ends after 48 business hours and the child must return to the parent unless the court issues an order for continued custody.

We know that it is extremely difficult on a child and his or her parents when a child has to be removed from the home. If your child is placed in Protective Custody, we would like to place them in the home of a relative or someone your child knows. Please let the law enforcement officer or Protection and Safety Worker (PSW) if you there is a family you would want to take care of your child.

### ***What is a Protective Custody Hearing?***

At the Protective Custody hearing, the county attorney will explain to the court why your child was taken into protective custody and any other related information that the Protection and Safety Worker (PSW) learned while assessing/investigating the allegations.

If the court determines that your child would not be safe if returned to your home, the court will order the child to remain in protective custody. If the court determines that your child should not remain in protective custody, your child is returned to you and Child Protective Services (CPS) may offer services in your home.

The court may place your child in the care, custody and control of the Department of Health and Human Services. The Department has the responsibility to provide safety for children and making sure that decisions made for the child are in the child's best interest.

### ***Can My Child Stay In My Home If I've Been Reported?***

If law enforcement does not find that there is a reason to remove your child but there has been a determination that abuse or neglect did happen, you may volunteer to work with the Department to resolve any concerns about the safety of your child. There may also be situations when, due to concerns about your child's safety, the court may decide to place your child in the custody of the Department. In either situation, the Protection and Safety Worker (PSW) will assist you in developing a plan that addresses your family's needs and makes sure that your child continues to be safe in your home. You can identify individuals you want involved in your team to help as you develop your family's plan.

It is very important that you keep in contact with your PSW and follow the plan that is developed. The PSW must report your progress to the courts.

### ***If My Child Is Removed From My Home, How Do I Get My Child Back?***

The Protection and Safety Worker (PSW) will assist you in developing a plan that addresses your family's needs and your desire to have your child back home and safe. You can identify individuals you want involved in your team to help as you develop your family's plan. Because the court has the final decision about returning your child home, the Judge may order you to do additional things that are not in the plan that was developed by you and the PSW.

It is very important that you keep in contact with your PSW and follow the plan that has been developed. The PSW must report your progress to the courts.



***What Can I Do If I Disagree With The Recommendations Or Decisions Of The Protection and Safety Worker (PSW) or Team?***

Having an open discussion with the PSW or asking to meet with the team involved with your family will usually resolve any disagreements. If not, you may contact the Protection and Safety Worker's supervisor. If these attempts fail, you may contact the Protection and Safety Administrator for your area. If you need assistance in finding the name and phone number for the PSW, Supervisor or Administrator, contact your local Health and Human Services Office. You may also raise concerns with your lawyer.

## **Definitions**

**Central Register:** a computerized listing of reports of individuals who have been determined to have abused or neglected a child (see page 6 for more information).

**Child Protective Services:** also referred to as CPS. This is the term most people use to refer to the area of the Department of Health and Human Services-Protection and Safety that has the responsibility by law to accept reports of allegations (complaints) about child abuse or neglect, to assess (or investigate) those allegations and to share any complaints received with law enforcement.

**Indian Child Welfare Act:** this is a federal and state law that provides additional rights for children who are of Native American descent (see page 7 for more information).

**Protection and Safety Worker:** also referred to as a PSW. This person works for the Department of Health and Human Services-Protection and Safety.

**Protective Custody:** this is the term used when a child is removed from his or her home by the court because there has been a determination that the child is not safe in the home.

## Notes

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